

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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ADRIAN SCHOOLCRAFT,

**REPLY DECLARATION OF
SUZANNA PUBLICKER**

Plaintiff,

-against-

10-CV-6005 (RWS)

THE CITY OF NEW YORK, et al.,

Defendants.

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SUZANNA PUBLICKER, an attorney duly admitted to practice in the Courts of New York, declares, under penalty of perjury and pursuant to 28 U.S.C. § 1746, that the following statements are true:

1. I am an Assistant Corporation Counsel in the Office of Michael A. Cardozo, Corporation Counsel of the City of New York, and the attorney representing Queens District Attorney Richard Brown (“Queens DA”) in this matter. As such, I am familiar with the facts and circumstances stated herein and submit this reply declaration to place the relevant documents in the record in further support of the Queens DA’s motion to quash plaintiff’s subpoena and for a protective order. In support of the motion, the Queens DA submits the exhibits described below.

2. Annexed as Exhibit "A" is the Declaration of Assistant District Attorney James Liander, dated April 4, 2013.

Dated: New York, New York
April 4, 2013

MICHAEL A. CARDOZO
Corporation Counsel of the
City of New York
Attorney for City Defendants and Non-Party
Queens District Attorney Richard Brown
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By: /s/
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SEIFF KRETZ & ABERCROMBIE
Attorney for Defendant Mauriello

EXHIBIT A

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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ADRIAN SCHOOLCRAFT,

Plaintiff,

-against-

CITY OF NEW YORK, ET AL.,

DECLARATION OF JAMES
LIANDER IN SUPPORT OF
NON-PARTY DA RICHARD
BROWN'S MOTION TO
QUASH

10 CV 6005 (RWS)

Defendants.

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JAMES LIANDER, declares pursuant to 28 U.S.C. 1746, under penalty of perjury, that the following is true and correct:

1. I am an Assistant District Attorney in the Queens County District Attorneys Office. As such, I am familiar with the facts stated below and submit this declaration in further support of non-party District Attorney Richard Brown's (hereinafter "DA Brown") motion to quash and for a protective order.
2. On or about March 1, 2013, my office received a subpoena from plaintiff's counsel in this case seeking: the deposition testimony of Queens District Attorney Richard Brown on March 18, 2013 and "[a]ll documents pertaining to the investigation of criminal behavior concerning the entry into and removal of Adrian Schoolcraft from his home on October 31, 2009, as reflected in the attached Statement by District Attorney Richard A. Brown, dated December 4, 2012".
3. In November of 2009, I was the Bureau Chief of the Integrity Bureau. In that capacity, I oversaw investigations into corruption, bribes, attorney misconduct and crimes and misconduct by public employees, including the NYPD.

4. In November of 2009, this office received a complaint from plaintiff Adrian Schoolcraft's father, Larry Schoolcraft, about an October 31, 2009 incident involving his son and the New York City Police Department ("NYPD"). It was alleged that officers unlawfully removed his son (who was a police officer at the time) from his home and took him to Jamaica Hospital against his will where he was committed to the psychiatric ward.

5. In January of 2011, this office initiated an investigation into potential criminality by NYPD officers who were present during the October 31, 2009 incident. I was in charge of the investigation. Assistant District Attorney Michelle Cort was also assigned to the investigation.

6. From January 2011 to August 2012, this office conducted numerous interviews, including Adrian Schoolcraft. DA Brown was not present at any of these interviews.

7. Periodically, I would update DA Brown about the status of my investigation. These updates were presented at staff meetings at which other members of his Executive staff were also in attendance. These meetings were not limited to the Schoolcraft investigation.

8. At the staff meetings, I would periodically distribute internal memoranda to DA Brown and members of the Executive staff about the progress of the investigation.

9. At no time did I ever speak alone with DA Brown about the Schoolcraft investigation.

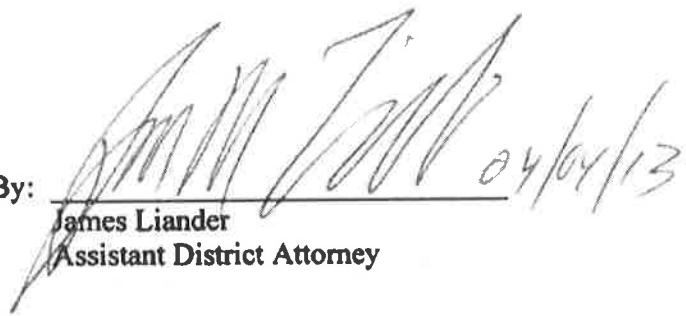
10. In August of 2012, I concluded the office's investigation into the October 31, 2009 incident involving Schoolcraft. I recommended that no criminal charges be brought against any NYPD officers involved.

11. In connection with that decision, a press release was prepared for DA Brown regarding the Schoolcraft investigation by our Communications Division. I reviewed the press release for its accuracy.

12. DA Brown did not conduct any portion of the investigation into the October 31, 2009 matter involving Schoolcraft nor did he recommend that the investigation follow any particular course.

Dated: New York, New York
April 4, 2013

By:


James Liander
Assistant District Attorney